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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Cherly K Jones,

10 Plaintiff,

11 v.

12 Wells Fargo Bank NA, et al.,

13 Defendants.
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No. CV-23-01502-PHX-DJH

ORDER

15 On December 12, 2023, the Court ordered Cherly K Jones (“Plaintiff”) to (a) show
16 cause why this matter should not be dismissed for failing to serve Defendant Wells Fargo
17 Bank NA (“Wells Fargo”) and Defendant First American Title Company (“First
18 American”) (collectively “Defendants”), or (b) otherwise demonstrate how service has
19 been made on Defendants in accordance with the Federal Rules of Civil Procedure.
20 (Doc. 26). Plaintiff has since responded to the Court’s Order. (*See* Doc. 27). Therein,
21 Plaintiff claims she has sufficiently served Defendants because they participated in and had
22 full knowledge of the underlying state court action.¹ (*Id.* at 2). The record shows, however,
23 that Defendants have not been adequately served in either the state court action or this
24 action. (*See* Docs. 1 at 1; 22).

25 The Court has explicitly explained to Plaintiff why her efforts to effectuate service
26 were insufficient:

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28 ¹ Plaintiff initially filed her a complaint in Maricopa County Superior Court (*see Sealed*
Doc. 1-3), which Defendants removed to this Court (*see generally Sealed* Doc. 1).


- Plaintiff's attempts at serving Wells Fargo were insufficient because "(1) she did not include a summons directed to Defendant Wells Fargo, Ariz. R. Civ. P. 4(a)(3); (2) there is no indication service was directed to the registered agent for service of process for Wells Fargo, Ariz. R. Civ. P. 4.1(i); (3) Plaintiff did not have leave of Court to serve Wells Fargo by certified mail, Ariz. R. Civ. P. 4.1(k); and (4), assuming Wells Fargo could be considered an out-of-state party, Plaintiff's affidavit of service does not include an attached, signed receipt (doc. 22 at 10, 13), Ariz. R. Civ. P. 4.2(c)(2)(C)." (Doc. 23 at 5);
- Plaintiff's attempts at serving First American were insufficient because "Defendant's knowledge of the suit alone does not confer jurisdiction." (*Id.* at 7).

Plaintiff has been on notice of the ineffective service, has failed to show cause justifying her failure to effectuate service, and has not sought an extension of time to cure the service deficiencies.

Accordingly,

IT IS ORDERED that the Clerk of Court is kindly directed to terminate this matter.

Dated this 4th day of January, 2024.


Honorable Diane J. Humetewa
United States District Judge